

Pro Se 16 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Houston Division

United States Courts
Southern District of Texas
FILED

MAY 30 2023

Nathan Ochsner, Clerk of Court

Case No. _____

(to be filled in by the Clerk's Office)

Karen Kay Phillips

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

COUNTY OF SMITH, PHILIP GREANEAD,
RILEY RUGG, JOHNATHAN PETERS, AND
LARRY SMITH

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Karen Kay Phillips		
Address	C/O: 131 County Road 37		
	Tyler	Texas	[75706]
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Smith		
Telephone Number	903-530-7742		
E-Mail Address	karenphillips312@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	COUNTY OF SMITH		
Job or Title <i>(if known)</i>	CORPORATION		
Address	227 N. SPRING AVE		
	TYLER	TX	75702
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	SMITH		
Telephone Number	903-590-2600		
E-Mail Address <i>(if known)</i>	JPUTMAN@SMITH-COUNTY.COM		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	PHILIP GREANEAD		
Job or Title <i>(if known)</i>	SMITH COUNTY DETECTIVE		
Address	227 N. SPRING AVE		
	TYLER	TX	75702
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	SMITH		
Telephone Number	903-590-2600		
E-Mail Address <i>(if known)</i>	PGREANEAD@SMITH-COUNTY.COM		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

1. Parties to the Complaint

B. The Defendant(s)

Defendant No. 5

Name	Larry Smith
Job Title	Smith County Sheriff
Address	227 N. Spring Ave. Tyler, TX 75702
County	Smith
E-mail	<u>lsmith@smith-county.com</u>
	(X) Individual Capacity (X) Official Capacity

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Defendant No. 3

Name JOHNATHAN PETERS
 Job or Title (if known) SMITH COUNTY DEPUTY
 Address 227 N. SPRING AVE
 TYLER TX 75702
 City State Zip Code
 County SMITH
 Telephone Number 903-590-2600
 E-Mail Address (if known) JPETERS@SMITH-COUNTY.COM
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name RILEY RUGG
 Job or Title (if known) SMITH COUNTY DEPUTY
 Address 227 N. SPRING AVE
 TYLER TX 75702
 City State Zip Code
 County SMITH
 Telephone Number 903-590-2600
 E-Mail Address (if known) RRUGG@SMITH-COUNTY.COM
☒ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1ST, 4TH, 5TH, 8TH, & 9TH
 Amendment Rights

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

~~20-1-1983 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)~~

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Defendants acting in Official capacity for the COUNTY OF SMITH intentionally subjected Plaintiff's to mistreatment or to arrest, detention, search, seizure, dispossession, assesment, or lien that he knows is unlawful; intentionally denied or impedes Plaintiff's exercise or enjoyment of ANY RIGHT, privilege, power, or immunity, knowing his conduct is unlawful; DEFENDANTS WERE WEARING A SMITH COUNTY UNIFORM AND BADGE REPRESENTING USING AUTHORITY AND POWERS GIVEN TO THEM BY THE COUNTY OF SMITH TO DEPRIVE RIGHTS OF PLANTIFFS. Under Title 18, U.S.C., Section 241- Conspiracy Against Rights It further makes it unlawful for two or more persons to go in disguise on the highway or ON THE PREMISES OF ANOTHER with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured. Section 242 of Title 18 makes it a crime for a person acting under color of ANY LAW to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

C/O: 131 County Road 37 Tyler, Texas Republic near [75706]

- B. What date and approximate time did the events giving rise to your claim(s) occur?

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03/28/2023 around 2200 hours AND 04/04/2023

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Under Color of Law, PHILIP GREANEAD, wrote an ARREST WARRANT AFFIDAVIT, with many false statements with the intent of getting me arrested and confiscate my recording of an incident which occurred in my driveway. Philip swore to this AFFIDAVIT in a court of Law which was falsifying a government document. Title 18 USC § 1001 when 'googled' states, "often simply referred to as false and misleading statements, makes it a felony to knowingly and willfully:

- Falsify or conceal a material fact in any entry or document; or
- Make oral statements to government officials which are materially false and misleading,
- To an official of the federal government in an investigation or official proceeding.

Statements which were false were: (1) Philip swore that I along with my son were standing in "the carport area of the residence". The Body worn cameras of Riley Rugg and Jonathan Peters show we have a 3-car garage attached to my home. My son, Derek, and I were standing in my home talking with Riley and Jonathan when they ran at my son, chased him further into my home and arrested him. He was not a suspect in a crime and there were no exigent circumstances. When 'Googled' Exigent circumstances are

- (a). Situations that require immediate action to prevent harm, damage, escape, or destruction of evidence, and that justify a warrantless entry, search, or seizure by police when a warrant would normally be required.
- (b). — compare knock and announce rule, no-knock search warrant at warrant
- (c). An emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect, or destruction of evidence.
- (d). In the criminal procedure context, exigent circumstance means the following: An emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect, or destruction of evidence. (This was not a Criminal Procedure - A Criminal procedure is the laws and rules that govern the steps taken and methods used in bringing and conducting a criminal action. Speech is not a crime.

III. Statement of Claim Continued:

C. Facts underlying claims continued:

(e). A situation or circumstance that requires immediate action. Origin 1400-1450 Latin. What is Exigent Circumstances In the U.S., the concept of exigent circumstance applies to the application of the Fourth Amendment's right to freedom from unreasonable search and seizure. (f). Refer to situations that demands unusual or immediate action and this allows people to circumvent usual procedures. In other words emergency conditions. The circumstances are such that it would cause a reasonable person to believe that prompt action is necessary to prevent physical harm to the officers. It is ludicrous but the actions of our family friend, Cody Voss, who was being arrested for defective tail lamps, were written about on my Arrest Warrant Affidavit. DETECTIVE PHILIPS GREANEAD wrote these statements, stood in front of a District Judge, duly swore an oath to say his words were a truthful account of the details of March 28, 2023. (1). "KAREN KAY PHILLIPS did then and there commit the offense of INTERFERENCE WITH PUBLIC DUTIES, Section 38.15 (b) of the Texas Penal Code, a Class B Misdemeanor, in that she then and there, while Deputy Peters, hereafter styled the complainant, a peace officer, was performing a duty or exercising authority imposed or granted by law, namely detaining Derek Phillips." (2).the sworn to Affidavit by Detective PHILIP GREANEAD further states, "...with criminal negligence interrupt, disrupt, impede, or interfere with the complainant by "GRABBING AT" Deputy Rugg as he was in pursuit of a suspect and PUSHING Deputy Peters away from Derek Phillips, who was being arrested" (3). Affidavits are to be written in chronological order and statements written by Detective PHILIP GREANEAD are not. (4).Detective PHILIP GREANEAD wrote on the Arrest Warrant Affidavit, "Affiant, PHILIP GREANEAD, reviewed the unit/body camera footage and reports completed by Deputy Peters and Deputy Rugg..." and then he swore before the court his statements were true. However, his statements are not true. (5). PHILIP GREANEAD quoted the words of Deputy Peters by writing, "According to Deputy Peters' report; Peters advised as the white passenger car pulled into the driveway, a white pickup truck ALSO PULLED INTO THE DRIVEWAY OF THE RESIDENCE." The fact is the passenger car was following the truck not the other way around. (6). PHILIP GREANEAD wrote, "ACCORDING TO Deputy Peters' report...." However, as a Detective his job is to determine on his own

after thorough review of all evidence not merely quote the statements by the Deputies. Had DETECTIVE PHILIP GREANEAD actually viewed the videos from body worn cameras, and unit cameras the words on his Arrest Warrant Affidavit would have been accurate. (7). DETECTIVE PHILIP GREANEAD wrote, "according to Peters' report the driver of the white pickup "EXITED THE VEHICLE AND BEGAN YELLING"". (8). DETECTIVE PHILIP GREANEAD wrote, "Derek Phillips continued to retrieve items from this pickup truck and WALK AROUND Deputy Peters." Words matter. Derek Phillips was not "walking around" Johnathan Peters. (9). DETECTIVE PHILIP GREANEAD wrote, "Deputy (Riley) Rugg began speaking with Derek Phillips and Karen Phillips, who are standing IN THE CARPORT AREA OF THE RESIDENCE." If DETECTIVE PHILIP GREANEAD viewed any footage he would not written the Carport since we were standing in our 3-car garage. (10). DETECTIVE PHILIP GREANEAD wrote, "Deputy Rugg instructed Derek Phillips MULTIPLE TIMES THAT HE WAS IMPEDING THEIR INVESTIGATION." These words were never spoken. (11). DETECTIVE PHILIP GREANEAD wrote, "As Deputy Rugg pursued Derek Phillips, Karen Phillips REACHED HER ARM TOWARD Deputy Rugg to impede his pursuit of Derek Phillips. Also in the sworn Arrest Warrant Affidavit this same scene was described as "Karen Phillips GRABBING AT" Deputy Rugg. (12). DETECTIVE PHILIP GREANEAD wrote, "AS DEPUTIES WERE APPREHENDING Derek Phillips in the bedroom of the residence, Karen Phillips BEGAN APPROACHING Deputies SCREAMING 'Get out of my house.'" Words Matter. We were in a tight area of my bedroom and I did yell "Get out of my house." If I never asked then they would believe they had permission to be there. I wasn't constantly SCREAMING as this statement would make someone not viewing the video to believe. (13). DETECTIVE PHILIP GREANEAD wrote, "Karen Phillips reached her arm between Deputy Peters, **PUSHING HIM AWAY** from Derek Phillips as he was escorted out the residence." This is lousy detective work. The video clearly shows me using my pointer finger on the shoulder of the Johnathan Peters and poke him four times as I'm saying, "He can't see" and "He needs his glasses." SIDE NOTE my son cannot focus on items inches from his face without his glasses. My main concern during this event was ensuring my son had his glasses. (14). DETECTIVE PHILIP GREANEAD wrote, "Karen Phillips continued to INJECT HERSELF into

the investigation. The incident began in my driveway, continued into my bedroom with two people being arrested for videoing and yelling at a PEACE officer when the issue was 'defective tail lamps'. Nothing in the scenario made sense then nor does it now. I'm guessing DETECTIVE PHILIP GREANEAD thought I should have returned to the living room to continue reading my book? I wasn't INJECTING myself into their investigation I was videoing it so they couldn't lie about what happened but even with multiple recordings these people falsely reenact the story on paper. (15). I believe the false statement written **on the Arrest Warrant Affidavit**, by DETECTIVE Philip Greanead **and sworn to in a court of law** were misleading and extremely deceitful and their main purpose was to persuade the Magistrate I needed to be arrested. When in fact my interaction with Johnathan Peters and Riley Rugg on March 28, 2023 was based on the location of the event, my driveway and bedroom; and once my son lost his glasses in the tussle with two PEACE officers was to ensure my son could have his glasses before being led away. My intent was not to stop the arrest of my son. I never once made any statements indicating my intent was to keep my son from being arrested. I never once said, "You can't arrest my son." (16). Screaming is not a Crime. Cussing is not a Crime. Having 'Defective tail lamps' is not a crime. Calling someone an idiot is not a Crime. (17). "Crime" is defined as (a) illegal activities; (b) an action or activity that, although not illegal, is considered to be EVIL, SHAMEFUL, OR WRONG." (18). Tampering with a Governmental Record is prohibited and IS A CRIME. (19). Definition of a Government Records is defined the Texas Penal Code 537.10 (a) (1) A 'governmental record" means anything belonging to, received by, or kept by government for information, including a court record. It is illegal to make, present, or use any government record knowing it is false and with the intent that it be taken as genuine. (20). Texas Penal Code 537.10 (a)(3) A PEACE Officer was convicted for tampering with a government record by entering false information about what the officer did or didn't investigate in an electronic draft of an offense report. Hernandez v. State, 577 S.W. 2d 361 (Tex. Civ. App. – Houston [14th], 2019 pet. Filed) (21). A person commit the offense of tampering with a governmental record if the person knowingly makes a false entry in, or false alteration of, a governmental record. Tex. Pen. Code Ann. 537.10 (a) (1) West,

Westlaw through 2017 1st C.S.) (22). The number of hypothetical statements written by DETECTIVE PHILIP GREANEAD is overwhelming. Numerous statements sworn to in a court of law and attached to Karen Phillips' Arrest Warrant Affidavit were misleading. Did this Detective wake up on April 4th 2023 and made a decision to begin stretching the truth on the Affidavit he wrote on my case? Or has this way making misleading statements been a lifestyle this DETECTIVE has followed for many years? An affidavit is a written statement of facts, confirmed by oath or affirmation, for use as evidence in a court of law, written in chronological order and most importantly it is FACTUAL. Being truthful to a court is vital, whether communication via an affidavit or in person. It is a DETECTIVES core job duty to investigate to find truth not to distort truth. I demand all cases with the name DETECTIVE PHILIP GREANEAD attached be re-opened and investigated once again to determine whether untruths were written there as well.

(23). I request the magistrate to whom this statement is presented to execute an order determining probable cause for an arrest warrant and continued detention of Johnathan Peters and Riley Rugg and Detective Philip Greanead on appropriate charges of FALSIFYING GOVERNMENTAL RECORDS WITH INTENT TO DEFRAUD OR HARM ANOTHER. And charges of Criminal Coercion. Coercion defined is, "to expose a person to hatred, contempt, or ridicule; to harm the credit of business repute of any person"; or 'to take or withhold action as a public servant'. 25 CFR 5 11.406 (a) (2) Accuse anyone of a criminal offense. (24). I request the magistrate to whom this statement is presented to execute an order determining probable cause for an arrest warrant and continued detention of Johnathan Peters and Riley Rugg on appropriate charges of BURGLARY OF A HABITATION, AGGRAVATED ASSUALT WITH DEADLY WEAPON IMPEDE NORMAL BREATHING, AGGRAVATED KIDNAPPING WITH A DEADLY WEAPON, FALSE IMPRISONMENT, and CRIMINAL TRESSPASS and setting NO Bail, if any. Furthermore, my 1st amendment right was violated. This amendmnet states, "... the right of the people to petition the Government for a redress of grievances." When I attempted to speak with the Johnathan Peters in my driveway, at my home about what was happening, I was charged with interfering. (Gainor v. Roberts, 973 F2d 1379 (1992)) "You may verbally challenge the officer's action and ask for his ID."

My 4th amendment right was violated. This amendment states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." My Alpine Green i-phone 13 Pro with black case, was a Mother's Day gift in 2022 and valued over \$1,000. The warrant for my phone stated, "A dark in color phone Model number; unavailable Serial Number unavailable, phone number; unavailable. In the possession of Karen Phillips." Stealing my phone violated my right to be secure in my effects against unreasonable searches and seizures. The Police car had a camera recording the events, and both Riley Rugg and Johnathan Peters had body worn cameras recording. As the additional officers and supervisor arrived on scene they also had body worn cameras recording. My 4th amendment right was also violated when Riley Rugg and Johnathan Peters entered my home on the night of March 28, 2023 without a warrant. My son, Derek Phillips and I were standing inside my garage talking with Riley Rugg who NEVER said, "Stop, you are under arrest." Neither, my son or I, were told "You are being detained." Yet, both Johnathan Peters and Riley Rugg (as shown on the video) charged at us. I continued videoing as these two men chased my son further into a house owned by Terry and Karen Phillips violating our 4th amendment right. In fact, the Supreme Court has stated that "the very core of the Fourth Amendment's guarantee is the right of a person to retreat into his or her home and 'there be free from unreasonable governmental intrusion.'" It's considered the Castle doctrine. When Johnathan Peters and Riley Rugg entered our home it was without a warrant, they were not pursuing a felon, and were not perusing someone suspected of committing a crime. Both of these men were asked to leave our property numerous times or to get a supervisor which they failed to comply. My 5th amendment right was violated. This amendment states, "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, EXCEPT in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger...." There was no 'Grand Jury', there was no 'arising in the land or naval forces' and no 'Militia', we are not 'in a time of war' so the only possible reason for them holding me or my property was Sheriff Larry Smith and deputies acting under his authority were attempting to say I was a "public danger" since I was arrested

without a Grand Jury for interfering by asking no less than 25 times, "What is going on?" and "My son needs his glasses." My 8th amendment right was violated. This amendment states, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted." The Sheriff contacted me to notify me there was a warrant for my arrest and two officers were coming up to get me, he agreed I could turn myself in to the Security Guards on the first floor who were positioned at the front door. My office is on the third floor of the Courthouse annex building. Three officers got off the elevator as my husband (County Commissioner) and I (County Clerk) were headed to the first floor. As an elected official and being arrested was humiliating and my personal property was stolen as evidence since I videoed the incident of March 28, 2023 in my driveway. All this occurred because I was asserting my first amendment right to speak to officers at my home on March 28, 2023. My 9th amendment right was violated. This amendment states, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others rights retained by the people." My rights were denied as listed above. Additionally, my rights and the rights of my son, Derek Phillips and his friend, Cody Voss were regarded as having 'little worth'. Witnesses to the event on March 28, 2023 involving Johnathan Peters and Riley Rugg violating our Civil Rights are Derek Phillips, and Cody Voss.

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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

IV. Injuries page 2

amendment. The paragraph states, "This same information is confidential without the requirement to take affirmative action for an increasing number of officials under Section 552.117 of the Code. These include elected public officers..." It continues, "... the Legislature has identified as needing protection from public access to their personal information, including information that might reveal whether the person has family members." Except as discussed below, the information **may not** be released. Nor may this information be released when it relates to a peace officer, reserve law enforcement officer, commissioned deputy game warden, or correctional officer if the person was killed in the line of duty. **SIDE NOTE:** *((On July 29, 2022 a Sheriff's officer was killed in the line of duty in Smith County by the name of Lorenzo Bustos. On the day after the death of the Sheriff's Officer, Sheriff Larry Smith stood before the media and told the events of the day before in graphic detail. Sheriff Larry Smith described the scene of Officer Bustos being hit by a 2017 'full sized mercedes' and his body being 'launched under the patrol unit' and the second officer on scene having to retrieve the Officer "from under the patrol car". He went on to say , "He left behind a 8, 5, and 4 year old and a wife." The information about the family members under the revised statute is prohibited from being released. Texas Gov't Code § 552.1175 (a) (1). Amended by SB 841, 87th Leg. **effective June 14, 2021.** See also, Texas Attorney General Opinion No. GA-1086 (2014)*

I am the current Smith County Clerk, an elected public officer who performs governmental functions so this statute specifically applies to my sensitive data which includes my name, my home address, my phone number, my date of birth and whether I have family members should be kept confidential and not placed on the internet. In the TAC Public Information Act Booklet dated 2021, on page 39 the first paragraph states, **Personal Safety.** Information relating to an employee or officer that, under certain circumstances, would subject the person to substantial threat of physical harm is excepted from disclosure under the Act. Texas Government Code Sec. 552.151. In addition, the Supreme Court has held that the common law protects information of its disclosure would create a substantial threat of physical harm to a person. Texas Dept. of Public Safety v. Cox Texas Newspapers, L.P., 343 S.W.3d 112 (Tex. – 2011) On March 29, 2023 we requested a copy of the body worn camera recordings of the multiple officers on the scene and we were told,

IV. Injuries page 3

"You can not obtain a copy of these recordings under after it goes to court." However, in the TAC published booklet entitled, Public Information Act dated 2021 the last page APPENDIX A it is written, Texas Administrative Code Title 1 part 3. Office of the Attorney General Chapter 70. Cost of Copies of Public Information Section 70.13. **Fee for Obtaining Copy of Body Worn Camera Recording** (a) This section provides the fee for obtaining a copy of body worn camera recordings pursuant to §1701.661 of the Government Code. (1) Section 1701.661 of the Government Code is the sole authority under which a copy of a body worn camera recording may be obtained from a law enforcement agency under the Public Information Act, Chapter 552 of the Government Code, and no fee for obtaining a copy of a body worn camera recording from a law enforcement agency may be charged unless authorized by this section. (2) This section does not apply to a request, or portions of a request, seeking to obtain information other than a copy of the body worn camera recording. Portions of a request seeking information other than a copy of a body worn camera recording are subject to the charges listed in §70.3 of this chapter. (b) the charge for obtaining a copy of a body worn camera recording shall be: (1) \$10.00 per recording responsive to the request for information; and (2) \$1.00 per full minute of body worn camera video or audio footage responsive to the request for information, if identical information has not already been obtained by a member of the public in response to a request for information. **Government Code 552.223 Uniform Treatment of Requests for Information.** The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. Due to the millions of viewers on YouTube seeing my job title, full name, full address, my personal phone number and the names and birthdate of my child and my husband, [REDACTED] Due to two million viewers having my personal sensitive data I've received threatening calls and threatening emails at my office. One particular email received in my County Clerk email stated, "You need to be raped and your son needs a bullet in his head." I issued a request to investigate the sender to issue charges on them by contacting the Smith County Information Technology Department, the Smith County Sheriff's Department and the Tyler Texas Police Department but no one could identify who sent this email to my work email address. Additionally, people

IV. Injuries page 4

began calling me at all hours of the day and night to mutter hateful statements and hang up and people full of hate have been driving by our home after midnight laying on their horn for five minutes or more which is so frightening because people who are full of hate know our address because of the unredacted video provided to the media by Sheriff Larry Smith. With these nightly calls from strangers and awful emails on my mind it has been difficult to get sleep most nights and I began having numerous nightmares of being raped and on occasion I woke up screaming. Additionally, Sheriff Larry Smith has given multiple interviews on local TV Stations stating lies. He stated, "They said they were Sovereign Citizens." He knows this statement is a complete lie but I believe he made the statement to incite hatred toward me and my husband, Terry Phillips, the County Commissioner. The false statements against my husband (the County Commissioner) and myself (the County Clerk) made on the nightly news by Sheriff Larry Smith, have caused unease within the county as people take sides to support either the Sheriff or my family. As elected Officials my husband routinely attends the monthly Peace Officers Luncheon and on occasion I attend as well as we have numerous friends in law enforcement. This situation has caused extreme mental stress, in my person life, in my Church family, with close friends who have family members in law enforcement and my life in dealing with other department heads and elected officials. My work requires me to daily interact with security guards, peace officers, and other county employees who have an obligation to defend the Sheriff. The actions and false statements of Sheriff Larry Smith has caused these relationships to be placed under extreme stress. My life has completely changed with employees of the Sheriff who were once close friends no longer wanting to speak or even look my way. Not only the Sheriff's employees but other employees in the county who were once so open to stop by and talk now ignore my greetings. My life has completely changed. I stopped by a drive-thru restaurant and the person taking my order was cheerful and normal. I broke down crying realizing not many people have acted normal around me since this all began on March 28th, 2023.

The Sheriff is an elected official who is required to have knowledge of the Public Information Act. He admitted on the phone, he released the law enforcement body worn recordings but "couldn't recall who all He released them to." It is my belief he knew the law enforcement body worn recordings had not been redacted of my sensitive data and by releasing the recordings he knowingly and intentionally subjected me to

IV. Injuries page 5

‘substantial threat of physical harm’ and mental anguish. On page 32 of the TAC Public Information Act Booklet ‘The Exceptions’ are explained to say, “There are more than 60 exceptions to required public disclosure of records listed in the Public Information Act. Not all of these are of interest to county officers and employees. The following list is not meant to be exhaustive or to completely explain how the exceptions work. It is simply intended to give you an idea of the kinds of things that may be excepted from disclosure under the Act. The exceptions are discussed at length in the attorney general’s Public Information Handbook. **Confidential Personal Information and Privacy.** The Act excepts from required public disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision,” Texas Government Code 8552.101. This is the most sweeping and important of the exceptions, and is unique in that: (1) most of the information it excepts from public disclosure *may not* be released, even if the county wants to release it; and (2) many of the interests it protects belong to *third parties* who may be the subjects of information kept by the county. Due to the amended Texas Government Code 552.1175(a)(1) which went into effect June 14, 2021, my home address, phone number, and information revealing whether *an elected public officer* has family members, is confidential and the Legislature has identified this information as needing protection from public access. The actions of Sheriff Larry Smith are prohibited in the numerous statutes listed within this statement. The statutes prohibit a release of such information but yet that did not stop Larry Smith. He took an even greater step to avoid the statutes when he intentionally released my sensitive data which is also protected under Supreme Court Common Law.

Personal Safety. Information relating to an employee or officer that, under certain circumstances, would subject the person to substantial threat of physical harm is excepted from disclosure under the Act. Texas Government Code Sec. 552.151. In addition, the Supreme Court has held that the common law protects information of its disclosure would create a substantial threat of physical harm to a person. Texas Dept. of Public Safety v. Cox Texas Newspapers, L.P., 343 S.W.3d 112 (Tex. – 2011)

For the following reasons I am suing Sheriff Larry Smith: Release of Sensitive Data which was prohibited by law which has caused (1) Mental Anguish, (2) Anxiety, (3) Night Terrors, (4) Depression, (5) Stress in most every relationship, (6) Fear, (7) Sadness and crying, (8) Anger, and (9) Headaches.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

The basis for this claim comes from truth, three witnesses and extensive video evidence supporting this claim.

For all the reasons listed above I am suing Sheriff Larry Smith, Detective Philip Greanead, Deputy Johnathan Peters, Deputy Riley Rugg and THE COUNTY OF SMITH in his/her/their personal capacity and in his/her/their official capacity with the County for ten million dollars (\$10,000,000.00).

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

May 28, 2023

Signature of Plaintiff

Karen Phillips

Printed Name of Plaintiff

Karen Phillips

B. For Attorneys

Date of signing:

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address